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**REMARKS**

Claims 1-6 are all the claims pending in the application.

In this Amendment, claims 1, 3 and 5 have been amended to recite --wherein said grain is a bean or soybean--. Support for this amendment is found, for example, in the paragraph bridging pages 3 and 4 of Applicants' specification.

Claims 1, 3 and 5 have also been amended to replace "extracted" with --obtained--.

Claim 4 has been amended to replace "2" with --3-- for the apparent intended dependency of claim 4.

Claims 2 and 4 have been amended to recite --wherein--.

Claim 3 has been amended to delete "comprising a composition" and insert --is--.

Claim 6 has been cancelled.

No new matter has been added. Entry of this Amendment is respectfully requested.

**I. Rejection under 35 U.S.C. § 112, Second Paragraph**

At pages 2-3 of the Office Action, claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

It was indicated that claims 1-4 refer to a superoxide scavenger but describe nothing about the superoxide scavenger. It was also indicated that the claims do not provide a mode by which the composition is extracted from the specific liquid. It was further indicated that there is no description of extraction step in the specification. In response, Applicants have amended the claims to recite --a composition comprising a superoxide scavenger obtained from a specific

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liquid--. As described in Applicants' specification, there are two forms in which the superoxide scavenger may be used, i.e., as a "dried extract" or "as-is" (page 4, lines 15-18). The amended claim recites a superoxide scavenger obtained from a specific liquid without any extraction step. Therefore, description of an extraction step is not needed.

Regarding claim 3, it was indicated that claim 3 is even further removed from the actual composition product. In response, Applicants have amended claim 3 to recite --in which said superoxide scavenger is obtained from a specific liquid--.

The Examiner suggested that the step "leaving said grain liquor with said yeast" be amended to "fermenting said grain liquor with said yeast." In response, Applicants have amended claims 1, 3 and 5 as suggested by the Examiner.

Regarding claims 2, 4 and 6, the Examiner suggested that the term "wherein" be inserted between "claim 1[or 2 or 5]," and "said". In response, Applicants have amended claims 2 and 4 as suggested by the Examiner. The rejection as to claim 6 is moot because claim 6 has been canceled.

Regarding claim 3, the Examiner suggested that the term "comprising" be replaced with --comprises--. In response, Applicants have amended claim 3 to replace "comprising a composition" with the grammatically appropriate term --is--.

Regarding claim 4, the Examiner indicated that claim 4 is a substantial duplicate of claim 2. In response, Applicants have amended claim 4 to be dependent from claim 3 rather than claim 2. This was an apparent typographical error in the original claim 4.

Regarding claim 6, the Examiner indicated that claim 6 refers to a superoxide scavenger as defined in claim 5 while claim 5 is directed to a beverage and does not refer to a superoxide scavenger. This rejection is now moot because claim 6 has been cancelled.

Lastly, with respect to the indication that claims 1-6 are incomplete for omitting essential steps, Applicants have amended the claims to recite --said specific liquid is prepared by steps comprising--. It is respectfully submitted that Applicants' claims sufficiently identify the inventive steps in the process.

In view of Applicants' amendments, the Examiner is respectfully requested to reconsider and withdraw the §112 rejections.

## **II. Rejection over Qian**

Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Qian (CN 1123833).

Applicants respectfully submit that the Qian reference does not anticipate or render obvious the present invention.

Qian teaches a beer-brewing process involving fermenting a soy bean liquid with a yeast. However, Qian does not teach supplying oxygen during the fermentation step.

As described by the Examiner, a yeast can produce alcohol by fermenting sugars and starches. It is generally known that such fermentation usually occurs under an anaerobic environment. Accordingly, Qian does not inherently disclose a fermentation step while supplying oxygen as presently claimed.

Further, it would not have been obvious to one of ordinary skill in the art to modify the beer-brewing process of Qian by fermenting a soy bean liquid with a yeast while supplying oxygen, because such modification would not produce alcohol as intended, and would destroy the purpose of the process of Qian.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejection over Qian.

### **III. Rejection over Kaneko**

Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Kaneko (JP 57-125669).

Applicants respectfully submit that the Kaneko reference does not anticipate or render obvious the present invention.

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Kaneko teaches a process for obtaining a fermented food comprising fermenting a soybean liquid in the presence of yeast. However, Kaneko does not teach supplying oxygen during the fermentation step. It is generally known that such fermentation usually occurs under an anaerobic environment. Accordingly, Kaneko does not inherently disclose a fermentation step while supplying oxygen as presently claimed.

Further, it would not have been obvious to one of ordinary skill in the art to modify the process of Kaneko by fermenting a soybean liquid with a yeast while supplying oxygen, because such modification would destroy the purpose of the process of Kaneko.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejection over Kaneko.


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

  
Joseph S. Ruch, Jr.  
Registration No. 26,577

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**DRAFT APPENDIX**  
**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

**The claims are amended as follows:**

1. (amended) A ~~superoxide scavenger composition~~ comprising a ~~composition~~ superoxide scavenger extracted obtained from a specific liquid, wherein said specific liquid is prepared by steps comprising:

boiling a grain with a liquid to obtain a grain liquor;

cooling said obtained grain liquor;

adding a yeast into said cooled grain liquor;

~~leaving~~ fermenting said grain liquor with said yeast while supplying oxygen thereto;

and

sterilizing the resulting liquid by heating to obtain said specific liquid,

wherein said grain is a bean or soybean.

2. (amended) A superoxide scavenger as defined in claim 1, wherein said grain is a bean.

3. (amended) A beverage containing a superoxide scavenger in which said superoxide scavenger ~~comprising a composition extracted~~ is obtained from a specific liquid, wherein said specific liquid is prepared by steps comprising:

boiling a grain with a liquid to obtain a grain liquor;

cooling said obtained grain liquor;

adding a yeast into said cooled grain liquor;



~~leaving~~ fermenting said grain liquor with said yeast while supplying oxygen thereto;  
and

sterilizing the resulting liquid by heating to obtain said specific liquid,  
wherein said grain is a bean or soybean.

4. (amended) A superoxide scavenger as defined in claim 2 3, wherein said grain is a  
bean.

5. (amended) A beverage containing a specific liquid prepared by steps comprising:  
boiling a grain with a liquid to obtain a grain liquor;  
cooling said obtained grain liquor;  
adding a yeast into said cooled grain liquor;  
~~leaving~~ fermenting said grain liquor with said yeast while supplying oxygen thereto;  
and  
sterilizing the resulting liquid by heating to obtain said specific liquid,  
wherein said grain is a bean or soybean.

**Claim 6 has been cancelled.**